

BY EMAIL & DoT website

**Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Services Cell)**

No. 813-07/LM-47/2024-DS-II

Dated:06-11-2024

To,

All Internet Service Licensee

**Subject: CS DJ 3920/24 KAMYA BUCH vs. POWERSTAR before DJ-05,
South Saket Courts New Delhi**

Kindly find the enclosed Hon'ble South Saket Courts order dated 21.08.2024 and 23.10.2024 on the subject matter.

2. Please refer to the court orders and the MeitY letter dated 29.10.2024 regarding the blocking of websites enumerated in the email.

3. In view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said website, as above, for compliance of the said court order.

Digitally signed by
Ram Kailash Meena
Date: 06-11-2024 15:33:21
Dir (DS-II)
Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- i. Sh. V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in),
Electronics Niketan, Ministry of Electronics and Information Technology
(MeitY) New Delhi for kind information and with request to take action as
per **Annexure** .
- ii. Mr. Mukesh sharma <advo.mukeshsharma@gmail.com> Plaintiff
Advocate for kind information.
 - a. Take action as per Annexure

iii. IT wing of DoT for uploading on DoT websites please.

No. 4(34)/2024-CyberLaws
Government of India
Ministry of Electronics and Information Technology
Cyber Law Division
New Delhi-110 003

Dated: 29.10.2024

Office Memorandum

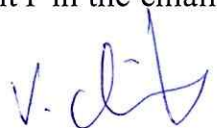
Subject: Order dated 21.08.2024 and 28.10.2024 of the Hon'ble Court of District Judge, South Saket Courts, New Delhi in the case of *Kamya Buch Vs. Powerstar [CS DJ 3920/24]* - Request for blocking of the links

1. That MeitY received a court order dated 21.08.2024 and the letter addressed to MeitY dated 25.10.2024 for taking down the links as mentioned in the email. The copy of the email is enclosed herewith as Annexure.:
2. That the said court orders dated 21.08.2024 and 23.10.2024 are issued by the Hon'ble Court of District Judge, South Saket Courts, against the website as the same is in contravention of provisions of IPC, 1860 and IT Act 2000. In the matter, MeitY has been impleaded as defendant no. 12.
3. That the relevant para of the court order is reproduced as under:

".....Since the images are floating without the permission of the plaintiff, they are required to be taken down. In these circumstances, considering that the plaintiff has made a prima facie case, as also, that she will suffer an irreparable harm and injury, which cannot be compensated in terms of money if the interim orders as prayed for are not passed, at this stage, and that money cannot adequately compensate the harm which may be caused to the plaintiff, it is hereby directed that defendant no.3, 5, 7, 8, 9 and 12 shall immediately take down the images of plaintiff available on their website and/or make sure that they are not available on the Internet. The mode by which this is to be done is to be decided by the defendants concerned, at this stage."

4. In view of the above, the undersigned is directed to request the Department of Telecommunications (DoT) to take necessary action for complying the aforesaid court orders. The status of the compliance may please be communicated to MeitY in the email id cyberlaw-legal@meity.gov.in

Encl.: Annexure, court orders


(V. Chinnasamy)
Scientist "E"

Tel.: 011-24301328

To,

The Secretary
Department of Telecommunications (DoT)
Ministry of Communications
Sanchar Bhawan
20, Ashoka Road,
New Delhi-110 001

Copy to:

- (1) Shri Ram Kailash Meena
Director (DS-II)
Data Services Wing
Department of Telecommunications
Ministry of Communications
1306, Sanchar Bhawan
20, Ashoka Road
New Delhi-110 001

- (2) Shri Abhinesh Meena
JTO-2
Data Services-II Wing
Department of Telecommunications
Ministry of Communications
1009, Sanchar Bhawan
Cabin No.21
20, Ashoka Road
New Delhi-110 001

CS DJ 3920/24
KAMYA BUCH Vs. POWERSTAR

21.08.2024

Present: Sh. Raghav Awasthi, Sh. Mukesh Sharma, Sh. Lohitaksha Shukla and Ms. Chandni Sah, Ld. Counsels for Plaintiff through VC alongwith Sh. Dinesh Sharma, Ld. Counsel for Plaintiff present physically in court.

Sh. Shyamal Anand and Ms. Prasadhi Agrawal, Ld. Counsels for Defendant no.10/ Meta Platforms Inc. Sh. Rohan Ahuja, Ld. Counsel for Defendant no.11/Google LLC.

Court fees has been filed in terms of previous order.

As far as other defendants are concerned, service report has been filed. It is noticed that defendant no.3, 5, 7, 8, 9, 10, 11 and 12 have been served and service affidavits have been filed by the plaintiff. None is present on behalf of defendant no.3, 5, 7, 8, 9 and 12. They are proceeded with ex-parte.

Issue fresh summons to defendant no.1, 2 and 6, through all modes, returnable for **23.10.2024**.

Sh. Shyamal Anand, Ld. Counsel appearing, through VC, for defendant no.10 submits that the Instagram profile identified by the plaintiff seems to be not accessible at the moment. Although, it is not known, at this stage, whether it has been disabled by the uploader or whether it has been disabled pursuant to the policy of the company, but it is informed that the said information will be furnished in due course and some time is

CS DJ 3920/24

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Digitally
signed by
Harjyot
Singh
Bhalla
Date:
2024.08.23
12:06:36
+0530

sought to obtain instructions as the said defendant is stated to be based in United States, primarily.

As far as defendant no.11 is concerned, Ld. Counsel for defendant no.11 submits that the URL(s), which were identified in the prayer (c) of the plaint have already been de-indexed by the said defendant and are no longer searchable. It is for the plaintiff, at this stage, to identify if there are any other URL(s), which require de-indexing on part of defendant no.11/Search Engine.

Application under Order 39 Rules 1 & 2 of CPC.

I have perused the contents of the plaint. The allegations made by the plaintiff are that some of her deep fake images, representing her without clothes, have been floating online and are visible on the websites of some of the defendants, as well as, in the search index of some other defendants.

As far as defendant no.10 and 11 are concerned, today certain submissions have been made, which have been taken on record and Ld. Counsel for plaintiff seeks some time to verify the correctness of the same. Ld. Counsel also wishes to obtain instructions if there is any other grievance as far as defendant no.10 and 11 are concerned.

As far as remaining defendants are concerned, it is noticed that some of these defendants are pornographic websites, whereas, defendant no.9/“X”, formerly, Twitter is a social media platform on which the images are being posted by a handle @ [Powerstar@DTR](#).

As far as that handle i.e. [Powestar@DTR](#) is concerned, the details are not available and only defendant no.9/“X” Corporation can provide the said details. Considering

the screenshots which have been placed on record, it is evident that the same are projecting the plaintiff as a porn star and showing her bare body. The representation is not only defamatory, impinges upon the privacy of the plaintiff. Further, the plaintiff has claimed that some of these images are a work of manipulation and are deep fake images. It is further claimed that certain other images which were not meant to be circulated, might have been circulated by some person known to the plaintiff who had access to the same.

Since the images are floating without the permission of the plaintiff, they are required to be taken down.

In these circumstances, considering that the plaintiff has made a prima facie case, as also, that she will suffer an irreparable harm and injury, which cannot be compensated in terms of money if the interim orders as prayed for are not passed, at this stage, and that money cannot adequately compensate the harm which may be caused to the plaintiff, it is hereby directed that defendant no.3, 5, 7, 8, 9 and 12 shall immediately take down the images of plaintiff available on their website and/or make sure that they are not available on the Internet. The mode by which this is to be done is to be decided by the defendants concerned, at this stage.

As far as defendant no.10 and 11 are concerned, they be bound by the submissions made before the court today.

In the meanwhile, the defendant no.9 is directed to provide Basic Subscriber Information as far as the handle of defendant no.1 i.e. Powerstar@DRT is concerned. Similarly, defendant no.10 may also provide the Basic Subscriber Information of the account in question so that the identity of the

uploader can be ascertained to the extent possible. However, it is clarified that, in case defendant no.10 finds that the Instagram account has been disabled by the Subscriber and not by the company, it may take necessary steps to ensure that the said images are not restored by the said account holder.

Let WS and reply to the injunction application be awaited.

(HARJYOT SINGH BHALLA)
DJ-05, SOUTH SAKET COURTS
NEW DELHI/ 21.08.2024

CS DJ 3920/24
KAMYA BUCH Vs. POWERSTAR

23.10.2024

Present: Sh. Mukesh Sharma, Sh. Raghav Awasthi and Sh. Dinesh Sharma, Ld. Counsel for Plaintiff through VC. Sh. Akshay Makhija, Ld. Senior Advocate alongwith Sh. Abhishek Kumar and Ms. Shreya Gupta, Ld. Counsel for Defendant no.9. Sh. Shyamal Anand and Ms. Prasadhi Agrawal, Ld. Counsel for Defendant no.10. Sh. Rohan Ahuja and Ms. Diya Vishwanath, Ld. Counsel for Defendant no.11.

Vakalatnama filed on behalf of defendant no.9. Same is taken on record.

Ld. Counsel for plaintiff submits that defendant no.12 would have to be served afresh since, e-mail address on which defendant no.12 was served, is meant only for matters pertaining to the Hon'ble High Court of Delhi and not the District Courts. Accordingly, he will take necessary steps for issuance of summons to defendant no.12 and the same may also be given dasti to the counsel for plaintiff. Appropriate application be moved in the meanwhile.

Ld. Senior Counsel appearing for defendant no.9 submits that appropriate application for setting aside the ex-parte order shall be filed. Ld. Senior Counsel further submits that the interim order passed by the court already stands complied with and account has been suspended. The direction given to the defendant no.9 was two fold i.e.:

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firstly, to take down the account if the user/subscriber does not remove the offending material. That part of the order has been complied with; and

Secondly, to provide Basic Subscriber Information of the account to this court. That part of the order is yet to be complied with by the defendant no.9.

There is no application under Order 39 Rule 2A of CPC by the plaintiff. However, it is being reminded to the defendant no.9 that, in the present case, morphed nude images of a woman were uploaded on the Internet and the same may also be an offence under the IPC, which may be applicable on the date when the cause of action arose in the present case or BNS, as the case may be, as well as, under Information Technology Act. The business mechanism of any entity cannot prevent the courts from getting information about the identity of a person, who breaks the law by committing an offence or a civil wrong. Therefore, to that extent, defendant no.9 may reflect on whether the order needs to be complied with, without prejudice to rights and contentions of defendant no.9 in the present case.

Since defendant no.9, 10 and 11 are, prima facie, intermediaries, the matter can only proceed with, when the actual defendants are served and when the Union of India is served.

List this matter for service report of defendant no.12 and substituted service of defendant no.1 and 2, returnable for 08.01.2025.

(HARJYOT SINGH BHALLA)
DJ-05, SOUTH SAKET COURTS
NEW DELHI/ 23.10.2024

Annexure

Subject: Action requested to be taken by MEITY and Plaintiff for effective removal of content for viewing by public at large within India as per the said orders of Hon'ble Court.

It is observed that a number of orders of Hon'ble Court are issued for blocking of websites every month. There are around more than 2700 ISPs in India and these ISPs are connected among themselves in a mesh network. DOT is instructing each of the ISPs through emails/through its website for blocking of the websites as ordered by the Hon'ble Courts. Ensuring compliance of the orders by each of the ISPs is a time-consuming and complex task especially in view of multiplicity of orders of Hon'ble Courts, multiplicity of websites to be blocked and multiplicity of ISPs.

2. Allocation of Business Rules inter-alia states thus:-

'Policy matters relating to information technology; Electronics; and Internet (all matters other than licensing of Internet Service Provider).'

3. In view of above and in order to ensure effective removal by content for viewing by public at large, the plaintiff is requested to do a trace route of the web server hosting the said website. In case the web server happens to be in India, the plaintiff may inform the same to Meity who may direct the owner of such web server to stop transmission of content as per IT Act and as directed by the Hon'ble Court so that the content would be blocked from the source itself and the exercise of blocking by 2700 ISPs would not be required.

4. In case such server is located abroad i.e. outside India then access to such URL/website can be blocked through the international internet gateways which are much less in number. This would result in timely and effectively removal of undesirable content for viewing by public at large as is the requirement as per the orders of Hon'ble Court.